

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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GREGORY RITTER,

Plaintiff,

-against-

20 **CIVIL** 114 (JGK)

**JUDGMENT**

HECTOR MONTOYA, ET AL.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Amended Memorandum Opinion and Order dated January 22, 2021, the Court has considered all of the arguments raised by the parties. To the extent not specifically addressed, the arguments are either moot or without merit. The motion to dismiss against all defendants is granted without prejudice because Mr. Ritter failed to exhaust his administrative remedies. The motion to dismiss the Complaint, as against Officer Montoya, is also granted without prejudice for the independent reasons that Mr. Ritter failed to state a claim against him and that Officer Montoya is entitled to qualified immunity. The Complaint is dismissed without prejudice because it cannot be said that an amended complaint would be futile after the plaintiff has exhausted his administrative remedies.

**Dated:** New York, New York

February 2, 2021

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*K. Mango*

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**Deputy Clerk**